

GARDNER PLANNING COMMISSION

Staff Report

DATE: April 10, 2006

SUBJECT: REZONING; Z-06-04 (PDP-06-03) McCann Property North, located on the east side of Waverly Road, ¼ mile north and east of the 167th Street and Waverly Road intersection

1. **APPLICANT:** Jabez Investments, L.L.C., is the applicant; with engineering services provided by Peridian Group, Inc.
2. **REQUESTED ACTION:** The applicant requests rezoning from A (Agricultural District) to RP-1 (Planned Single Family Residential District) and RP-3 (Planned Garden Apartment District).
3. **LOCATION:** The 124 acre property is located about ¼ mile north and east of the 167th Street and Waverly Road intersection.
4. **EXISTING ZONING:** The property is currently zoned A (Agricultural District) upon annexation into the City of Gardner (Ord 2172).
5. **CHARACTER OF THE NEIGHBORHOOD:** The land immediately surrounding the subject property is characterized as the developing northwest fringe of the City of Gardner. Existing uses include Madison Elementary School and a developing single family subdivision to the far south; single family residential uses, a church facility, agricultural and residential uses to the southwest on the west side of Waverly Road; a developing single family subdivision (Megan Valley) to the west; agricultural and two existing residences to the south (proposed for a mixed use development Z-06-02 and Z-06-03); and two agricultural farms that are not incorporated into the City of Gardner to the immediate east (on the north side of 167th Street) and to the southeast (on the south side of 167th Street).

The other significant character defining elements in this immediate area are the new overhead electrical power transmission lines running along the north side of 167th Street and the east side of Waverly Road, and the developing Gardner electrical substation site on the west side of Waverly Road, west of and adjacent to this subject property.
6. **LAND USE AND ZONING PATTERNS:** The surrounding properties are zoned R-1, Single Family Residential District, to the south, southwest, and west; A, Agricultural District, to the southwest and south; and Johnson County RUR to the immediate east and southeast.
7. **CONFORMANCE TO THE COMMUNITY DEVELOPMENT PLAN:** The Gardner Community Development Plan - 2003 denotes urban residential land uses and low-density residential development uses for this immediate area. The Community Development Plan attempts to expand housing opportunities by targeting various residential densities. Three residential land use categories are depicted on the Development Plan Map. The categories are distinguishable by the density of development allowed in each:

Low-Density: Greater than 1 and less than or equal to 6 units per acre
Medium-Density: Greater than 6 and less than or equal to 15 units per acre
High-Density: Greater than 15 units per acre

Rezoning the property to RP-3, Planned Garden Apartment District, and RP-1, Planned Single-Family Residential District, could be complementary with the intent and policies of the plan.

The general goal of the plan for low-density residential land uses is to help form residential neighborhoods that are stable, safe and aesthetically pleasing. Specific policies for low-density land uses include:

Policy 2.2: Reserve Suitable Sites

Reserve suitable land areas of adequate size to accommodate a number of subdivisions in order to facilitate well-planned orderly development with better coordination of public services and facilities.

Policy 2.3: Ensure Adequate Infrastructure Facilities

Ensure that new housing development occurs in areas, which can be adequately and efficiently served by infrastructure facilities.

Policy 2.4: Allow Small-Lot and Duplex Subdivisions

Allow the use of small-lot and duplex subdivisions in low-density residential areas in the following circumstances upon a finding of compatibility with surrounding uses:

- a) As a land use transition between lower-density development and land uses of higher intensities.
- b) Adjacent to heavily traveled streets such highways, or interstates, or adjacent to railroad corridors.
- c) Where flexibility in subdivision design is necessary to preserve natural features, provide for greenway linkages or avoid floodplains.

Policy 3.2: Encourage Proper Lot Orientation

Encourage subdivision design in which peripheral lots face inward toward the neighborhood of which they are a part, especially those lots which are adjacent to collectors or arterial thoroughfares. No home shall front on a designated arterial thoroughfare.

Policy 3.3: Provide for Extra Buffering in Special Circumstances

Encourage subdivision design which provides extra buffering between homes and adjacent freeways or thoroughfares. Extra buffering can be accomplished by using any of the following methods or a combination thereof:

- a) Berms
- b) Landscape screening
- c) Fences
- d) Extra lot depth

Policy 4.1: Use Appropriate Transitional Methods

Appropriate transitional methods should be considered at all locations where the development or expansions of nonresidential and medium- or high-density residential land uses abut low-density residential property (either built or zoned). In general, transitions between different types of intensities of land use should be made gradually, particularly where natural or man-made buffers are not available.

Policy 4.2: Higher-Density Residential as Transitional Use

Promote the use of higher density residential development and duplexes as a transitional land use between nonresidential developments and surrounding low-density residential neighborhoods.

8. **STAFF ANALYSIS OF THE APPLICATION:** The applicant originally requested rezoning 82.5 acres to RP-1 and 41.6 acres to RP-3. Based on work session discussions between the applicant's representative and Planning Commissioners, a revised development plan has been submitted for consideration with this rezoning application since this request was first considered at the February 27, 2006, meeting,.

The revised development plan for the northern residential area indicates a total of 561 residential units, which equates to an overall density of about 4.5 units per acre. This request is to rezone the property to a planned zoning district, which provides for the review and scrutiny of a development plan showing lot layout and on-site improvements, as well as architectural plans and proposed building elevations, all to be tied to the overall zoning approval process. Only a sampling of one sided building elevations was submitted with this rezoning request.

While this particular rezoning request may comply with many of the adopted standards for residential development of the Community Development Plan, staff has outlined several key issues and policies in the evaluation of the rezoning requests for the properties to the south (Z-06-02 and Z-06-03) to initiate Planning Commission discussion and direction on the general acceptability of the overall proposed mixed use development plan for the McCann properties.

9. **STAFF RECOMMENDATION:** If the Planning Commission finds that issues of design and compatibility to adjacent land uses are adequately addressed with this rezoning request, staff recommends that the Planning Commission forward the application to rezone the McCann Property North (Z-06-04), located on the east side of Waverly Road, ¼ mile north and east of the 167th Street and Waverly Road intersection, from A (Agricultural District) to RP-1 (Planned Single Family Residential District) and RP-3 (Planned Garden Apartment District), to the City Council with a recommendation for approval, subject to the following stipulations:
- a. The development shall be in accordance with Exhibit "A" (Site Plan) and Exhibit "B" (Building Elevations) which are filed in the office of the Planning Commission Secretary at City Hall and which are incorporated by reference as if set out in full herein. In addition, the development shall comply with all regulations and standards of the City of Gardner unless specifically exempted by the Governing Body.
 - b. The development shall be limited to 561 units.
 - c. Prior to or concurrent with the application for final development plan approval, stormwater detention plans and calculations shall be submitted for review and approval by Public Works Department staff.
 - d. The location and geometrics of all driveways, public streets, and parking areas are subject to review and approval by Community Development Department staff.
 - e. Prior to the issuance of building permits, the Planning Commission shall approve a final development plan for this subject property.